

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

FILED

JAN 14 2003

NOTICE OF SCHEDULING ORDER

LARRY W. PROPPES, CLERK
CHARLESTON, SC

TO: MEMBERS OF THE BAR

AT THE DIRECTION OF THE COURT IT IS ORDERED that the following schedule is established for all the listed civil cases. All counsel are instructed to locate their Scheduling Order on the South Carolina US Court Website www.scd.uscourts.gov; Click on Forms & Publications; Click on Calendar Attachments; Click on Judge David C. Norton; Click on Notice of Scheduling Order for your specific case. Copies available in Charleston Clerk's Office. If you have any questions concerning this Order, please call Marge Passailaigue at (843) 579-1415.

CASES FOR SCHEDULING ORDER

C/A2:02-2945-18	STATE FARM vs LEWIS
C/A2:02-3312-18	STRICKLAND vs RETIREMENT PLAN
C/A2:02-3354-18	DAVIS & SMALL DECOR vs UMA ENTERPRISES
C/A2:02-3395-18	PATEL vs MESCHER
C/A2:02-3451-18	SZUCH vs SUGGS
C/A2:02-3462-18	GRASSO vs HOME DEPOT
C/A2:02-3575-18	OWENS vs UNUM LIFE INSURANCE
C/A2:02-3576-18	CURTIS vs UNUM LIFE INSURANCE
C/A2:02-3618-18	ST PAUL REINSURANCE vs NEW SOUTH CONST
C/A2:02-3635-18	DEMETREE vs CHARLESTON COUNTY SCHOOL
C/A2:02-3679-18	ALTERNATIVE STAFFING vs CAROLINA BUILD

AND IT IS SO ORDERED.

Date


David C. Norton
United States District Judge

**PURSUANT TO LOCAL RULE 2.06, THIS NOTICE IS BEING SENT TO
LOCAL COUNSEL ONLY**

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA



NOTICE TO COUNSEL

The attached **Conference and Scheduling Order** contains a number of important changes required by recent amendments to the Federal Rules of Civil Procedure and the Local Civil Rules of the District of South Carolina, effective December 1, 2000.

Counsel should carefully review the Order and **note all deadlines on a calendaring system.**

Counsel should also review the referenced rules and become familiar with these significant changes.

The amended Local Civil Rules for the District of South Carolina and Overview are available on this District's website at:

www.scd.uscourts.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

CONFERENCE AND SCHEDULING ORDER
of
HONORABLE DAVID C. NORTON

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case. Discovery may begin upon receipt of this order.

1. A conference of the parties pursuant to Fed. R. Civ. P. 26(f) shall be held no later than **February 17, 2003**.¹ At conference the parties shall confer concerning all matters set forth in Fed. R. Civ. P. 26(f) and whether the schedule set forth in this order is appropriate and, if not, what modifications are necessary.²
 2. No later than **March 10, 2003** the required initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made.³
 3. No later than **March 20, 2003** the parties shall file a Rule 26(f) Report in the form attached to this order. Parties are hereby notified that Local Civil Rule 28.03 lists additional queries to be answered in the Rule 26(f) Report.
 4. Motions to join other parties and amend the pleadings (Fed. R. Civ. P. 16(b)(1)) shall be filed no later than **March 20, 2003**.
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¹Plaintiff's counsel shall initiate the scheduling of the Rule 26(f) conference with all counsel known to plaintiff regardless of whether they have filed appearances.

²The parties shall also consider whether they wish to consent to trial before a United States Magistrate Judge. See Notice of Availability of United States Magistrate Judge at www.scd.uscourts.gov.

³Pursuant to Fed. R. Civ. P. 26(a)(1), the parties may, by stipulation, agree not to make some or all of the Rule 26(a)(1) initial disclosures. If such a stipulation is made, it shall be confirmed in writing between the parties. See Fed. R. Civ. P. 29 and Local Civil Rule 29.01.

5. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial and specifying each subject matter to which each expert is expected to testify to by **April 3, 2003**. (Fed. R. Civ. P. 26(a)(2)).⁴
6. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial and specifying each subject matter to which each expert is expected to testify to by **April 3, 2003**. (Fed. R. Civ. P. 26(a)(2)). *See* footnote 4.
7. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial no later than **August 4, 2003**. Objections to such affidavits must be made within fourteen (14) after the service of the disclosure. (*See* Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
8. Discovery shall be completed no later than **July 21, 2003**. All discovery requests shall be served in time for the responses thereto to be served by this date. De bene esse depositions must be completed by discovery deadline. No motions relating to discovery shall be filed until counsel have consulted and attempted to resolve the matter as required by Local Civil Rule 7.02.
9. Motions in limine must be filed at least one week prior to date of trial.
10. This district has implemented an Alternative Dispute Resolution (“ADR”) program and requires counsel to provide ADR information to the party and to discuss the advisability and timing of ADR with both the party and opposing counsel. *See* Local Civil Rules 16.02(c)(4)-(5) & 16.03. Materials related to the availability of ADR in the district are attached hereto. No later than **June 9, 2003**, counsel for each party shall file and serve the ADR Statement and Certification required by Local Civil Rule 16.03 certifying that counsel has (1) provided the

⁴Concurrent with the identification of each expert and subject matter, each party shall serve (but not file): 1) a complete copy of the most current curriculum vitae of each expert or a detailed summary of his or her qualifications to testify on each identified subject; 2) (a) a complete statement of all opinions to be expressed by each expert and the basis and reasons therefor; (b) the data and other information considered by the expert in forming the opinions, (c) any exhibits to be used as a summary of or support for the opinions, and (d) citations of any treatise, text or other authority upon which each expert especially relied; and 3) a copy of each expert's report if a report has been prepared.

party with the attached ADR information and the Standing Order to Conduct Mediation of Judge Norton referenced below; (2) discussed the availability of mediation with the party; and (3) discussed the advisability and timing of mediation with opposing counsel.⁵

11. All other motions, except those to complete discovery, those nonwaivable motions made pursuant to Fed. R. Civ. P. 12, and those relating to the admissibility of evidence at trial, shall be filed on or before **July 28, 2003**. (Fed. R. Civ. P. 16(b)(2)).
12. Mediation, pursuant to Local Civil Rule 16.04-16.12, shall be completed in this case on or before **August 11, 2003**.⁶
13. No later than **August 18, 2003**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4). *See* Local Civil Rule 30.03(J) (video deposition additional requirements).
14. Parties shall furnish the Court pretrial briefs five (5) business days prior to the date set for trial. Attorneys shall meet at least five (5) business days prior to the date set for submission of pretrial briefs for the purpose of exchanging and marking all exhibits. *See* Local Civil Rule 26.07.
15. This case is subject to being called for jury selection and trial on or after **September 1, 2003**.

⁵ADR statement and Certification form available at www.scd.uscourts.gov

⁶Standing Order to Conduct Mediation of Judge Norton, which sets forth additional mediation requirements applicable to this case available at www.scd.uscourts.gov